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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,005	12/30/2003	Gregor K. Frey	6570P028	8386
8791 7590 02/26/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER ROCHE, TRENTON J	
			ART UNIT 2193	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/749,005	Applicant(s) FREY ET AL.	
	Examiner Trenton J. Roche	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims.

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to communications filed December 30, 2003.
2. Claims 1-12 are currently pending and have been examined.

Claim Objections

3. Claim 6 is objected to because of the following informalities: The claim improperly depends on itself. Appropriate correction is required. For purposes of examination, the Examiner assumes the claim is supposed to depend on claim 5.
4. Claim 6 is objected to because of the following informalities: The claim improperly depends on a later claim, that of claim 9. Appropriate correction is required. For purposes of examination, the Examiner assumes the claim is supposed to depend on claim 7.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
10. The invention as disclosed in claims 1-12 is directed to non-statutory subject matter. The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." (State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d at 1373, 47 USPQ2d at 1601-02.)

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8. Claims 1-12 are directed to a system comprising one or more log controllers for receiving one or more messages from an application, and a log manager coupled to the log controllers. No physical aspects of the system are disclosed however, and as such, the recited log controllers and log manager, and thus the "system," amount to nothing more than software or a computer program listing per se, in that none of the elements recited are computer components or statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and hardware elements of a computer which permit the computer program's functionality to be realized, and as such are considered functional descriptive material not capable of execution and thus are not capable of producing a useful, concrete and tangible result as required by the State Street Formulation. It is recommended that the claims be amended to show interactions between the hardware components of the system (processor, hard drive, etc.) and the log controllers/log manager/logs (being executed/stored/etc. by the hardware).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,802,067 to Camp et al. ("Camp").

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Per claim 1:

Camp discloses:

- one or more log controllers to receive one or more messages from an application wherein each of the log controllers is a Java class that includes one or more subclasses or modules selected from a group comprising a category subclass to generate trace messages and a location subclass to generate trace messages (“the public in terface to the message logging framework is log interface 10 and log base class 15...” in col. 2 lines 58-59. Further, “Console log class...file log class...null log class...are classed representing specific types of logging destination...each of which extends log base class...” in col. 3 lines 17-20. Finally, “written in the Java programming language...” in col. 5 lines 26-27.)
- a log manager coupled to the log controllers to manage the log controllers (“log manager...” in col. 4 line 65)
- one or more logs to which the received messages are forwarded (“logs messages to a file...” in col. 3 line 24)

substantially as claimed.

Per claim 4:

The rejection of claim 1 is incorporated, and further, Camp discloses storing logs in a database as claimed (note col. 3 lines 27-31).

Per claim 5:

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The rejection of claim 1 is incorporated, and further, Camp discloses a formatter as claimed (Note col. 4 lines 11-43.)

Per claim 6:

The rejection of claim 5 is incorporated, and further, note the rejection regarding claim 5. The transaction formatter is a trace formatter.

Per claim 7:

The rejection of claim 1 is incorporated, and further, Camp discloses each of the logs include one or more subclasses or modules selected from a group comprising a stream log, a file log, and a console log as claimed ("Console log class...file log class..." in col. 3 line 17).

Per claim 8:

The rejection of claim 7 is incorporated, and further, Camp discloses the file log and console log being subclasses of the stream log as claimed ("Console log class...file log class...null log class...are classed representing specific types of logging destination...each of which extends log base class..." in col. 3 lines 17-20).

Per claim 9:

The rejection of claim 1 is incorporated, and further, Camp discloses severity information as claimed ("severity message..." in col. 3 line 42).

Per claim 10:

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The rejection of claim 9 is incorporated, and further, Camp discloses severity selected from a list comprising debug, path, info, warning, error, fatal and none as claimed (Note col. 3 lines 55-65).

Per claim 11:

Note the rejection of claim 10. Further, "Log base class 15 provides a means to process messages based upon their severity attributes, for example through filtering or monitoring methods." in col. 3 lines 32-34. As the base class is extended, the severity would be inherited by the classes that extend the base class.)

Per claim 12:

Note the rejection regarding claim 11. Further, note col. 3 line 66 to col. 4 line 10, which discloses the ability to restrict severity messages.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camp.

Per claim 2:

The rejection of claim 1 is incorporated, and further, while Camp discloses the use of the Java language, Camp does not explicitly disclose a Java 2 Enterprise Edition (J2EE) engine. Office

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Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the logging abilities of Camp in a J2EE environment, as this is simply a more specific application development environment based on Java, and is well known in the art at the time the invention was made. Such a combination would be obvious as it would allow a developer of a distributed Java system the capability of debugging the system.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Camp does not explicitly disclose logging routines for a kernel. Camp discloses that message logging is useful and "needed in development of software code and application to assist with testing, debugging, trouble shooting and the like." (Col. 1 lines 12-15). Office Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the logging abilities of Camp to log routines for a kernel, as this would enable a software developer to determine what is happening on the kernel level of the system in terms of debugging.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trenton J Roche
Examiner
Art Unit 2193

TJR


MENG-AI AN
SUPERVISORY PAT. EXAMINER